

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.176 OF 2007
WITH
CIVIL APPLICATION NO.261 OF 2007

Shri Rohan Prabhakar Bachhewar ...Appellant

Versus

Smt.Khatunbibì Abdul Rajjak Patel

& Anr. ...Respondents

.....

Mr.Atulkumar B.Deshkar for Appellant.

Mr.R.R.Salvi for Respondent No.1.

Mr.Lokesh i/b M/s.G.S.Hegde & Associates for
Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 8, 2007.

P.C.

1. I find substance in the preliminary objection taken by the Respondents that the order in question is not appealable order in terms of Order 43 of the Code of Civil Procedure, 1908.

2. Counsel for the Appellant prays that the Appellant be permitted to convert the present Appeal from Order to First Appeal. That liberty is granted.

3. Amendment be carried out within two weeks from today, failing which, Appeal to stand dismissed for non-prosecution without further reference to the Court.

4. If the amendment is carried out in time, matter be placed before appropriate Bench. Liberty to apply.

A.M.KHANWILKAR, J.